

**AMNESTY
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General Discussion with the Committee against Torture

Mr Chairman,

Amnesty International welcomes this important opportunity to raise issues of general nature with the Committee against Torture. The NGO meetings in advance of a country consideration are a crucial occasion for NGOs, especially national NGOs, to engage effectively with the Committee at the time of the consideration of state reports. We would therefore like to express our appreciation to the Committee members for devoting time to country and general discussions with civil society.

Treaty body strengthening

Amnesty International is following closely efforts to strengthen the treaty body system. Their principal objective must be to enhance the treaty bodies' contribution to improving States Parties' compliance with their obligations and enhancing the capacity of people to enjoy their human rights. Amnesty International and over 20 other NGOs have developed related advocacy papers, including one on the effective participation of NGOs in the inter-governmental process, and another on the issues that we believe should be addressed in the inter-governmental process. We have also produced a 15-point summary of the Dublin 2 Outcome document. These papers are all available in English, French and Spanish, and copies were distributed earlier this week.

Many rich and varied proposals for strengthening the treaty bodies have been made in the course of the last two and a half years through the Dublin process. It will be important that the inter-governmental process in New York builds on the report of the High Commissioner for Human Rights based on those recommendations.

The inter-governmental process must be well informed, and in this respect we remain concerned that there is still no clarity about the participation of NGOs, national human rights institutions or treaty body experts. We encourage the treaty bodies and the OHCHR to pursue the participation of experts in the process, and we encourage all treaty bodies to consider how to develop and provide timely and effective input to it.

This Committee has pioneered working methods aimed at improving the effectiveness of its work, including the development of lists of issues prior to reporting (LOIPR), the timely scheduling of NGO briefings, and in its follow-up mechanism. It is essential that the treaty bodies be able to adapt their working methods, and their independence must be preserved in the inter-governmental process and at all times.

List of issues prior to reporting and other working methods

We are pleased to note that the consultations with States Parties facilitated by the OHCHR have revealed much support for the optional List of Issues Prior to Reporting (LOIPR) procedure, which is still in its infancy. Feedback from states that we have consulted suggests that there are many elements of the procedure that they find positive. We note that the report prepared by the secretariat last September (UN Doc CAT/C/47/2) following this Committee's initial evaluation last year contains proposals. Will the Committee discuss these proposals at this session?

Amnesty International considers it crucial that, when reviewing the new procedure that a substantive assessment is made of the quality of the information provided by the states that have availed themselves to the procedure. This issue is also raised in the Secretariat's report, and we would welcome learning from the Committee how such an evaluation will be carried out.

We share the Committee's concern about states that simply do not reply to the list of issues. We welcome the suggestions to seek states' prior agreement that they will reply to the list of issues and to explore the use of the List of Issues in relation to initial reports in order to make best use of the Committee's resources. If the Committee decides to make use of the LOIPR procedure for initial reports, Amnesty International recommends that the states concerned be offered technical assistance for the preparation of their initial reports.

The Secretariat's report also mentions the preparation of guidelines for replies to the list of issues. What would these look like? Can the list of issues be drafted so as to offer better guidance to States about the information the Committee seeks?

Amnesty International observes that during the past year, three countries have postponed the considerations of their reports and one other country asked for postponement in 2008. States might in some cases have legitimate reasons, however we recommend that the Committee consider carefully the reasons for a postponement and reject such a request that appears to be based on purely political considerations.

Considering that the Committee is in the final stage of discussions of its draft General Comment on article 14, Amnesty International suggests that the Committee evaluate the process and develop some guidelines for the

identification, drafting and adoption of General Comments. We think that a document on procedures for identifying and developing general comments would help States Parties and civil society to understand and engage with these processes.

Chairpersons' meeting

The chairpersons' meeting will be held in Addis Ababa this year. In principle, we welcome the initiative to hold treaty body meetings outside of Geneva. However, we have reported on the grave difficulties faced by human rights organizations working in Ethiopia and by media reporting on human rights issues in that country. The chairpersons' meeting provides an opportunity for these concerns to be raised with representatives of the government. We encourage the chairpersons to take all appropriate measures to ensure that national, regional and international NGOs are able to participate in their public meetings, and to do so without fear of intimidation or reprisal.

Review of the UN Standard Minimum Rules for the Treatment of Prisoners

As you will know, an open-ended inter-governmental expert group is currently reviewing the UN Standard Minimum Rules for the Treatment of Prisoners. Conditions of detention and international standards governing them, including the Standard Minimum Rules, are relevant to the work of this Committee, which has on numerous occasions discussed, expressed concern and made recommendations to States Parties on conditions of detention. Amnesty International therefore encourages the Committee to follow closely the process of reviewing the Standard Minimum Rules, engage with it and contribute to it, with a view to helping to bring the Rules into line with developments in international human rights law and standards in the past five decades. A briefing note on this process is available at the back of this room.